

AO 91 (Rev. 11/11) Criminal Complaint

U.S. DISTRICT COURT - N.D. OF N.Y.

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

MALAGERIO, Paul)

Defendant.)

Case No. 8:24-MJ-496 (GLF)

FILED

OCT 30 2024

AT O'CLOCK
John M. Domurad, Clerk - Plattsburgh

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of October 27, 2024, in the county of Franklin in the Northern District of New York the defendant violated:

Code Section

8 U.S.C. § 1326(a) & (b)(2)

Offense Description

The defendant, an alien, native and citizen of Canada, being an alien who has been denied admission, excluded, deported, or removed, or having departed the United States while an order of exclusion, deportation, or removal is outstanding, entered and was thereafter found in the United States without the Attorney General of the United States, or his successor, the Secretary of Homeland Security, having expressly consented to his reapplication for admission into the United States. That removal was subsequent to a conviction for the commission of an aggravated felony.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature

Benjamin LaBaff, U.S. Border Patrol Agent

Printed name and title

Attested to by the Affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: October 30, 2024

*Judge's signature*City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

Continuation Sheet, United States v. Paul MALAGERIO

This criminal complaint is based on the following facts:

On October 27, 2024, Royal Canadian Mounted Police notified United States Border Patrol Agents that an individual had been observed on a bicycle near the border of Canada and the United States in the proximity of Burns Holden Road in Franklin County, New York. Approximately an hour later, Massena Border Patrol Agents encountered the defendant, Paul MALAGERIO, a native and citizen of Canada, on foot at a location in between Burns Holden Road and New York State Highway 37 near Fort Covington, Franklin County, New York. The specific area where MALAGERIO was encountered is a cleared area situated underneath power lines that runs approximately north to south in between Burns Holden Road and Highway 37. This cleared area underneath the power lines where MALAGERIO was encountered has seen a major increase in foot traffic related to illegal entries over the past year. Border Patrol Agents have apprehended numerous individuals who have entered the United States illegally at this location. After being detained, MALAGERIO readily admitted to being in the United States illegally. MALAGERIO was transported to the Massena Border Patrol Station.

Upon arrival, MALAGERIO was fingerprinted and record checks revealed he had been ordered removed from the United States on December 13, 2022, and had been actually removed from the United States from Atlanta, Georgia, on February 16, 2023. Records checks also revealed that on March 2, 2021, MALAGERIO had been convicted of the federal offense of Possession of a Weapon by an Illegal Alien pursuant to 18 U.S.C. §§ 922(g)(5) and 924(a)(2) in the Northern District of Texas. On July 15, 2021, he was sentenced to 28 months imprisonment and 12 months supervised release for that offense. A conviction for a violation of 18 U.S.C. § 922(g)(5) qualifies as an "aggravated felony" pursuant to 8 U.S.C. § 1326(b)(2). MALAGERIO's February 16, 2023, removal from the United States was subsequent to his aggravated felony conviction.